

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICARDO K. STUBBS #304356,

Case No. 2:23-cv-000171

Plaintiff,

Hon. Robert J. Jonker
U.S. District Judge

v.

MICHAEL BROWN, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff state prisoner Ricardo K. Stubbs filed this lawsuit on September 30, 2023. (ECF No. 1.) After the Court issued an opinion on August 9, 2024, Defendant Valle remained as the only Defendant. (ECF No. 16.) Stubbs's remaining claim is for retaliation due to the rejection of magazines. (*Id.*) Stubbs's attempt to serve Defendant Valle has been unsuccessful. (ECF No. 19.) On September 30, 2024, a waiver of service was returned by the U.S. Marshals Service with the following notation: "The defendant is deceased." (*Id.*)

No motion for substitution has been filed within the time required by law.

Accordingly, it is recommended that this case be dismissed, pursuant to Federal Rule of Civil Procedure 25(a)(1).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C);

Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

Dated: January 6, 2025

/s/ Maarten Vermaat
MAARTEN VERMAAT
U.S. MAGISTRATE JUDGE